

Delegate Mason.

DELEGATE GRAHAM: Madam Chair --

CHAIRPERSON FREEMAN: Delegate Graham.

DELEGATE GRAHAM: Is this the time for my amendment?

CHAIRPERSON FREEMAN: What does your amendment deal with?

DELEGATE GRAHAM: My amendment deals with wiretapping and eavesdropping. I understood it was to be put under seizures and searches and that section -- I don't know exactly what section it is right now.

CHAIRPERSON FREEMAN: Delegate Graham, you will have to --

DELEGATE GRAHAM: It was supposed to be in 21.

CHAIRPERSON FREEMAN: If you would like to create a separate article, we will consider separate articles at the end of adopting the Bill of Rights, we will then consider additional sections.

DELEGATE GRAHAM: Madam Chair, could we have Section 24 then.

CHAIRPERSON FREEMAN: Yes, we can at that time.

DELEGATE GRAHAM: Madam President, could it go under 18(d)?

CHAIRPERSON FREEMAN: If you would like to indicate

that, please give that to the Amendment Table. Just indicate to him.

DELEGATE GRAHAM: (inaudible)

CHAIRPERSON FREEMAN: But we didn't know which section it was for.

May we have order please, delegates? Delegate Mason, are you ready to move another section to the Bill of Rights?

DELEGATE C. MASON: Section 17, Freedom from Discrimination. I so move.

CHAIRPERSON FREEMAN: Is there a second?

DELEGATE : I second it.

CHAIRPERSON FREEMAN: It has been moved and seconded that we adopt Section 17. Discussion? Now I will point out that we seem to have -- is this correct, that we have lost the amendment?

Delegate Oulahan has an amendment.

DELEGATE OULAHAN: Madam Chair, I withdraw my amendment. I will just go along with the debate and make my comments.

CHAIRPERSON FREEMAN: Thank you. Delegate Schrag, do you have an amendment?

DELEGATE ROBINSON: Point of information.

CHAIRPERSON FREEMAN: Delegate Robinson.

DELEGATE ROBINSON: Madam Chair, prior to the amendments to this article, correct me if I am wrong, I understood you to say that you had approximately 15 or so amendments to this one article.

CHAIRPERSON FREEMAN: That is correct.

DELEGATE ROBINSON: Well, our rules on first reading state that we can devote a time period of five to thirty minutes where the varying groups could come together and coordinate their various amendments and this would reduce the time factor.

CHAIRPERSON FREEMAN: Right. I directed Delegate Bruning to do so and it was at that point that the missing amendments problem emerged. We do have some amendments. I will take those as we search for the others.

DELEGATE ROBINSON: Have you so instructed the chairperson at the amendments table and also --

CHAIRPERSON FREEMAN: Yes, I have.

DELEGATE ROBINSON: Have they been coordinated and reduced?

CHAIRPERSON FREEMAN: The problem, Delegate Robinson, is I talked with the amendments table to try to coordinate them and reduce them and Delegate Bruning informed me that

the amendments have been stolen at this point or are missing. So they have been -- they have now been found.

I would like to bring this convention back to order. Delegate Bruning is hard at work trying to condense the 15 to 20 amendments that we have for Section 17. Meanwhile we have -- yes, they disappeared for a time. Now we will start. Delegate Bruning, have you been able to condense them or have been unable to because they were not in your possession?

Here they are. I would suggest that we move on to Section 18 while we are condensing the amendments to Section 17.

DELEGATE GARNER: Madam Chair.

CHAIRPERSON FREEMAN: Delegate Garner.

DELEGATE GARNER: May I make an alternative suggestion to the Chair that you read the amendments, and that the Chair consider the amendments, giving order of the lines on which they occur in the proposal. I believe Section 17 should be considered before Section 18, should be considered and completed before Section 18. I believe it is important to do so and I believe that procedure would be of help.

These two sections are very, very important and we need to consider them very carefully and I would appreciate it if you would adopt that procedure.

CHAIRPERSON FREEMAN: Thank you. Delegate Bruning, could you just put them in order of the lines in which they would appear? I think you have probably already done that.

DELEGATE SIMMONS: Madam Chair.

CHAIRPERSON FREEMAN: Delegate Simmons.

DELEGATE SIMMONS: We can stay until 3 a.m. We are permitted to stay until 3 a.m.

CHAIRPERSON FREEMAN: Thank you.

DELEGATE SIMMONS: We are locked in so no one can come in and they will let us out. That is the arrangement.

CHAIRPERSON FREEMAN: Delegate Schrag.

DELEGATE SCHRAG: Madam President, some of the --

CHAIRPERSON FREEMAN: One person at a time now.

DELEGATE SCHRAG: Some of the amendments -- my own, at least -- are substitutes for the entire section and therefore don't apply to a particular line number. It may be desirable to group those together -- this is sort of a little piece of filigree work on the Garner suggestion -- and either consider them all at the outset or all at the end. I don't know which would be preferred. Possibly all at the outset might be desirable, but that is just a suggestion.

CHAIRPERSON FREEMAN: Thank you. Delegate Bruning, could you put them in order in which they come up. Would you

pull out those amendments which would be substitutes for the entire Section 17 or substitutes I would say for (a), (b), (c), (d), (e) of Section 17. And how are you all proceeding?

DELEGATE BRUNING: Slowly.

CHAIRPERSON FREEMAN: Slowly. I think, delegates, since we are committed to staying here, I think we should take a five-minute break while we wait for the amendment table to pull its work together.

I would like to have a proposal as to what it is that we should be doing right now. All right, I will call on people one at a time. Delegate Shelton.

DELEGATE SHELTON: (inaudible)

CHAIRPERSON FREEMAN: May I have your attention, please. I am going to read through all of the amendments that have been submitted for Section 17. If I may have your attention. The first amendment submitted, the only as far as I can tell overall amendment submitted for Section 17 would read as follows. It would be a substitute for the entire Section 17, submitted by Delegate Schrag, and it would read: "No person shall be denied the equal protection of the laws. The legislature may implement this provision by appropriate legislation, including affirmative action legislation."

Now, line by line we have the following amendments:

From Delegate Garner, to line 2, section (a), it would read after the word "right" -- are you all following this -- line 2, section (a), after the word "right" the words "to the equal protection of the laws and." That would be additional language.

We have an amendment to line 3, from Delegate Garner, to delete "historic cast." On line 3, section (a), from Delegate Garner, delete the words "public or private." On line 4, section (a), from Delegate Bruning, we have an amendment to delete the words "factors such as." On lines 6 and 7 --

DELEGATE CORN: (inaudible)

CHAIRPERSON FREEMAN: They may not be in perfect order, Delegate Corn, but it is here in the pile. Okay. I will go slow. I did not realize people were trying to write them all down. Shall I go back to the last one, the Bruning one? That is on line 4, to delete the words "factors such as."

Shall I proceed? Okay. Delegate Corn has an amendment for line 4, after the word "color" add the word "religion." And on line 5, after the word "poverty," from Delegate Corn, add the word "appearance."

Now, are we all up to date at this point? Delegate

Garner?

DELEGATE GARNER: (inaudible)

CHAIRPERSON FREEMAN: Delegate Garner, these are not in perfect order. If you need to object, tell me if we have lost your amendment after I have read through all of them. They are not in perfect order. We have done our best in three seconds.

I have one from Delegate Shelton for lines 6 and 7 in subsection (a), I believe a substitute motion -- correct me if I am wrong, Delegate Shelton. It would read "Government has the duty" -- I will read it through quickly first to find out, Delegate Shelton, if this is in fact -- is Delegate Shelton in the room?

All right, I am going to skip this then until she comes back.

I think this is from Delegate Garner, line 5, to change -- tell me if this is yours, Delegate Garner -- to change the words "out of wedlock birth" to "parentage." Did everybody get that? That is on line 5.

And from Delegate Garner, on line 5, change the word "poverty" to the word "wealth."

Okay. Is everybody up to date? This is what I have so far for section (a), including the Shelton amendment,

I think. I have one from Delegate Barnes for section (b) to delete on line 8 the following words "and the right to receive the services necessary for full community participation provided in a way that promotes dignity and independence." It is to delete on line 9 on essentially. We would put a period, according to Delegate Barnes, after the word "members." Did everybody get that?

Okay. Subsection (b), line 9, Delegate Barnes has an amendment to delete after the word "members" the rest of subsection (b).

I will not read them, everybody has access to them, at the end of the committee's report we have two minority reports -- no, I guess one minority report from Delegates Rothschild and Mason. You will see that on the last page of your committee report -- oh, I'm sorry, just from Delegate Rothschild. Everybody can see that. That would deal with subsection (b) and there is also an amendment there from Rothschild to subsection (c), "and to the services necessary for their development and welfare," and on line 14 he would delete the word "persons" and insert the words "adult citizens."

Now, from Delegate Corn, for subsection (d), she would, after the word "race" add the word "religion." That

is on line 17.

Now, just for your edification -- I don't see Delegate Shelton -- I think this is from her. I will read it just so you all know this is coming up. It is unclear exactly in what form it is coming up, but for subsection (a), lines 6 and 7 -- delegates, if you would like to get this, please be quiet and if you don't, let your fellow delegates get it who want it.

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CHAIRPERSON FREEMAN: Now, my next step in this process is to find out whether anybody submitted amendments which I have not read.

I have read all the amendments that I have possession of at this point.

Delegate Robinson?

DELEGATE ROBINSON: The body has not responded, so we can assume, then, that all amendments are in. Am I to assume from this that there will be no additional amendments taken from the floor? Is that correct, ma'am?

CHAIRPERSON FREEMAN: I don't believe that is so; that is contrary to our rules.

DELEGATE ROBINSON: There's no way that this body can take that step right now?

A DELEGATE: No, we shouldn't.

CHAIRPERSON FREEMAN: The body made that step on suspending the rules and adopting a motion that would forbid the submission of additional amendments. And that would take two-thirds.

I do think, however, we can follow through on the sentiment of your motion, and that is, I think that everybody now knows what amendments we have before us and can try to limit their amendment making, be comforted by the fact that

somebody no doubt has made almost exactly the same amendment that you would like to make. So please try to be restrained. I can't imagine what shape we'll all be in at three in the morning.

I would like to now begin -- Delegate Corn?

DELEGATE CORN: Since we expect to be here roughly another four and a half to five hours, would it be possible to ask -- to find out if one of the staff members would be willing to go out, so that the Delegates can order things like coffee or something to eat or whatever?

A DELEGATE: I don't expect to be here for five hours, Gloria.

CHAIRPERSON FREEMAN: Let's move on.

It's been moved and seconded that we adopt Section 17. I will -- Delegate Garner?

DELEGATE GARNER: The amendment of Delegate Schrag and one of my amendments are vaguely similar, and I would yield to the discretion of the Chair as to which motion she prefers to call first, if, in fact, she wants to do that -- should one of those motions fail, the other one would not be considered out of order as a motion to reconsider.

CHAIRPERSON FREEMAN: Thank you. I think that I will consider yours, Delegate Garner, and then I will consider

Delegate Schrag's.

Now, the motion is -- would you like to read your amendment?

MR. GARNER: Thank you, Madam Chair.

As I said earlier, this section is very, very important. My motion is that after the word "right" then add the following words -- I'm sorry, line 2, section (a), 17A.

The words are "The equal protection of the law and", so that the line now reads "Every person shall have a fundamental right to the equal protection of the law and to be free from historic discrimination" and the rest of the sentence.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we amend line 2 to improve the line, adding "the equal protection of the law and" after the word "right."

Is there discussion on that?

Delegate Garner.

DELEGATE CORN: Is this necessary? Could the committee --

DELEGATE GARNER: Madam President, may I speak to my amendment?

Nowhere in any other section of the Bill of Rights do we include this fundamental consideration.

Now, I intended to speak to an important section that's listed on lines 6 and 7, which refer to affirmative action. And I do not believe that this addition is in any way in conflict with those principles.

But we must have in this Constitution, to even be considered a democratic or a republican constitution, that provision for the equal protection of the law. I am somewhat chagrined that the committee did not include this phrase in any of its sections, and I would hope that they would concur in the addition of these words and this very important concept in our document.

I urge you to endorse this statement and this amendment.

CHAIRPERSON FREEMAN: Anybody else to speak on the Garner amendment? Someone from the committee?

DELEGATE KAMENY: This is how a number of things that get done sometimes when one rushes a little more than one would like, things fall between the cracks and one has a red face.

CHAIRPERSON FREEMAN: Delegate Corn, you are out of order.

DELEGATE KAMENY: Shut up, Corn!

Those committee members with whom I have consulted, all but one who are here, agree -- say that the committee will agree to accept this. And on the terms under which you stated, that you will support the affirmative action section.

CHAIRPERSON FREEMAN: Thank you.

Delegate Harris?

DELEGATE HARRIS: I have a point of information on that amendment.

I notice that the committee accepted it. But my question is, the way it reads initially is that every person shall have a fundamental right to be free from historic caste discrimination, public or private, based on -- et cetera, et cetera, et cetera.

What you've done by putting in those words, you have said every person should have a fundamental right to the equal protection of the law and to be free, but by doing that you separate the fundamental right to be free from historic caste discrimination, and put the emphasis on equal protection of the law.

DELEGATE GARNER: That's not my intention.

DELEGATE HARRIS: But that's what it does. Am I correct?

DELEGATE GARNER: I would be happy to accept an amendment which would clarify that point.

DELEGATE HARRIS: Does the committee understand what I'm saying?

DELEGATE KAMENY: I would suggest that the word "right" have an "s" added onto it, and that should take care of your concern.

DELEGATE HARRIS: No, it doesn't. What rights?

DELEGATE KAMENY: The rights to be free and to the rights to equal protection, in that order, in reverse order; that does it. Let's move.

DELEGATE HARRIS: No, it doesn't do it.

I'm saying that the emphasis isn't -- Delegate Kameny, having the emphasis of having a fundamental right been shifted to the equal protection of the laws, rather than free from historic caste discrimination?

DELEGATE KAMENY: We now have two fundamental rights, in this rendition. The fundamental right to equal protection of the laws, and the fundamental right to be free from, et cetera. By simply saying "have" -- drop the "a" -- "have fundamental rights to equal protection of the laws and to be free from".

CHAIRPERSON FREEMAN: Thank you. Is there further

discussion on the Garner amendment?

Can we vote on the Garner amendment?

A DELEGATE: I move the previous question.

CHAIRPERSON FREEMAN: Thank you.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we close debate on the Garner amendment. All those in favor of closing debate, please say "ay".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Debate is closed on the Garner amendment.

Line 2 would read: "Every person shall have a fundamental rights" -- "shall have fundamental rights" -- we have to eliminate the "a" -- "to the equal protection of the laws and to be free from".

All those in favor of the Garner amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Several "nays".]

CHAIRPERSON FREEMAN: Abstentions?

The Garner amendment is adopted.

Now, Delegate Schrag has a substitute motion which we will just consider now. It's a substitute motion for the entire section 17.

DELEGATE SCHRAG: Madam President, my language would substitute for all of Section 17 and it would read as follows:

"No person shall be denied the equal protection of the laws." "No person shall be denied the equal protection of the laws. 'The Legislature may implement this provision" -- I'm sorry, "shall" -- "The Legislature shall implement this provision by appropriate legislation, including affirmative action legislation."

CHAIRPERSON FREEMAN: Is there a second?

DELEGATE SCHRAG: "The Legislature shall implement this provision by appropriate legislation, including affirmative action legislation."

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we adopt the Schrag substitute motion for the entire Section 17.

Would you like to speak to your motion now, Delegate Schrag?

DELEGATE SCHRAG: Yes, Madam President.

I make this alternative motion, this substitute, because Section 17 has a great many problems with it. And I see that my fellow Delegates have anticipated what I have to say by their many amendments, and so I'll be brief, because it touches on all the points that my fellow Delegates have touched on in their amendments.

We've got a problem with the word "private" in line 3, which is an appropriate word in legislation, but I think is not appropriate for a constitution, because when you create a rule against private discrimination, it has to be somewhat more complex than a phrase. You have to have a certain number of exceptions.

For example, to state it flatly that there shall be no private discrimination on these factors would literally mean that a church would have to hire an atheist as a minister, or that an enterprise would have to hire a man as a woman's room attendant.

Then we have the word "poverty" on line 5. Literally read, this word could be construed to mean that the State could not discriminate against poor people in transportation and thus would have to give them free bus and subway rides. Maybe that's a good thing, but that should be the subject of

legislation, not a constitution.

Similarly, it would seem to preclude tuition for the State University, because to charge tuition to an impoverished person would mean discrimination on grounds of poverty, and we would be mandating that all poor people go to the university for free.

Now, this may be a good thing, but again I think this is too complicated a question for us to deal with in a phrase.

Then, combining "poverty" and "private" it would suggest that private people can't discriminate against the poor either by, for example, charging them for goods and services. Read literally this combination of phrases could mean that a poor person can go into any store and demand anything, on the grounds that failure to supply it for free is discrimination by a private person against that other person on grounds of poverty.

We have a number of vague phrases in the section. For example, "historic caste" and "factors such as", whose meanings are not clear on immediately reading them.

Then several of my fellow Delegates have pointed to the two rights contained on lines 9 and 13, the rights to receive services in certain cases. Maybe this is a good idea

that people have these rights to receive services, but I'd like to know how much they are going to cost. What is the bill to the taxpayers for providing to anybody who wants to sue to get them the services necessary for full community participation and the services necessary for the development and welfare of youth and seniors?

And while we're on youth and seniors, don't the two sentences in subsection (c) contradict each other? One says that there shall be no discrimination on account of age, the other gives preferences to youth and seniors; what about us middle-aged people? Isn't that a discrimination on the grounds of age built into this section against we middle-aged folks?

Also, in line 14 we have all persons who have the right to be free from all forms of discrimination on account of age. When my 12-year-old son read this section he said, as soon as we become a State he's going to go down to the corner and buy a beer. Because it would seem that that would be discrimination on grounds of age to have state liquor laws that don't allow children to buy drinks or pornographic materials, for example.

In subsection (d) we have a violation of Section 15 of the Bill of Rights, which we've just adopted. Which says

that every crime shall be defined with specificity in a statute. Section (d) appears to be a crime, "it shall be unlawful to commit", but it's not defined with specificity and it's not in a statute, it's here in our constitution.

While we're on inconsistencies, even section (e) seems to be internally inconsistent, saying simultaneously that the section shall be self-executing and enforced by appropriate legislation, which means that it's not self-executing.

So I find this section a complete mish-mash, and suggest a very simple two-sentence alternative, which I think accomplishes those parts of the job that should be accomplished in a constitution.

CHAIRPERSON FREEMAN: Thank you.,

In order of debate, Delegate Kameny.

May we have order in this room, please?

Thank you. In order of debate, Delegate Kameny.

DELEGATE KAMENY: I speak not as a member of the committee. This is not to imply any opposition to any sense of the committee at all.

A DELEGATE: Can't hear you. Speak up.

DELEGATE KAMENY: Madam Chair, allow me to defer to the committee, and may I be recognized later?

CHAIRPERSON FREEMAN: Yes.

DELEGATE KAMENY: Thank you.

CHAIRPERSON FREEMAN: Delegate Corn.

DELEGATE CORN: I want to ask Delegate Schrag a question --

CHAIRPERSON FREEMAN: Excuse me, Delegate --

DELEGATE KAMENY: I want to speak for the committee.

CHAIRPERSON FREEMAN: Wait now. I'm confused.
Delegate Kameny, you were not speaking for the committee --

DELEGATE KAMENY: That's right, that's why I was down on the floor.

CHAIRPERSON FREEMAN: I see. Thank you.

Delegate Jackson, you may speak for the committee.

DELEGATE JACKSON: Yes, ma'am.

I speak here with the intent of the committee but also with the sound logic.

Madam Chair, I point to one thing that we have worked hard and arduously over this thing. We have come together, people of different colors, different ideas, men, women, people of different sexual orientation, and we have discussed this. And I'll be quite frank, Madam Chair, we have come up with what we think is a very good document. And we don't need, and I'll be quite frank on this, we don't need anyone

who has been protected all their lives, to define what protection is.

Now, I'm black, Madam Chair, and I know what it means to be --

[Much commotion on the floor; Delegates yelling.]

CHAIRPERSON FREEMAN: Delegate Jackson, continue.

DELEGATE JACKSON: Madam President, I want to say that I am black and have been discriminated against. What is the abuse?

Madam Chair, we have language in here that give certain definitions. What is discrimination, Madam Chair? It means depriving someone of that which they should have the right to do. The right to do.

And what does right mean? It means if one wants to exercise a certain thing; that is all it means.

What we want, Madam Chair, is the justice for black people, the justice for the group in here to exercise the freedom that they have so long been denied.

Madam Chair, using language such as "equal protection" to someone does not guarantee me anything. That is the language of the U. S. Constitution, and what am I guaranteed 300 years after slavery? Not one deep thing.

Madam Chair, the same thing applies to the question

of women and other groups here.

Now, perhaps the definition of "historic caste" causes no problems, but, Madam Chair, we have tried to solve it, we have changed the word "caste" to "group" and what does that mean?

That means that we mean any group of people who historically have been denied their right because of their skin color or other things, should therefore be given those rights. Now, is that so difficult to comprehend?

Perhaps it is for some people. But we must look at the many of all these things.

Madam Chair, we want for the people of this city a life of dignity, and that is what this constitution should be all about. Not playing, not trying to get one simple phrase where you catch everything. Now, Madam Chair, what are we trying to do here? We are trying to say that people, because of their race, their color and other characteristics which we mentioned here, who have historically been discriminated against, should now and for once be guaranteed the equality.

Does equal protection under the law guarantee this? No, it doesn't. We are saying the law should be set so that no one should be discriminated against. We are saying that

in places where black people, where women and others are discriminated against, public or private, and Mr. Schrag knows what public and private means. It means that if I am discriminated --

DELEGATE MAGUIRE: That's out of order.

CHAIRPERSON FREEMAN: No, that's in order. He's simply referring to one of the comments that Delegate Schrag made in his substitute motion.

DELEGATE JACKSON: It means if I am discriminated against either in D. C. Government or at Garfinckels, that I should be protected. And this is known. This is known.

So to come up here -- and I will be quite frank again, let us deal with certain questions all down the line. Anyone knows -- anyone knows, with good sense, and most of us have a little of that here -- that youth and, that discretionary age means that there must not be discrimination against people based on their age. In fact we protect the middle-class or, excuse me, middle-aged white men in this amendment here.

So let us not confuse exactly what we are saying. But, Madam Chair, it causes extreme dangers. When we have discussed something, put out what will guarantee to the people in Washington, D. C. who have been denied their rights so long, to come up with it with two or three simple words that

give me nothing but more of the same.

Madam Chair, I cautiously urge everyone to vote against Mr. Schrag's amendment, to keep the status quo status quo. It does not hing for me, for my children, for my wife, for my handicapped kid, for my old, old mother, for my uoung, young child, nothing.

Madam Chair, I move that we vote this down and that we get onto the substantive business which is to adopt a Bill of Rights which will finally guarantee to those like me complete and equal protection under the law, including affirmative action to compensate my people and others who have for so long been discriminated against.

Thank you.

[Applause.]

CHAIRPERSON FREEMAN: Delegate Corn?

DELEGATE CORN: I would like to ask the maker of the motion, Delegate Schrag, whether he would be willing to insert another sentence after his first sentence, which would read something as follows: "No person shall be discriminated against on the basis of: race, color, religion, creed, national origin, matriculation, sex, sexual orientation, marital status, age" -- there are another five or six categories that I am hoping Anita Shelton can furnish for us,

that would cover the whole realm.

Would Delegate Schrag be willing to add such a sentence?

DELEGATE SCHRAG: I would certainly be willing to add such a sentence, although I would have to hear the exact words before --

DELEGATE CORN: Those were the exact words: "No person shall be discriminated against on the basis of: race, color, religion, creed, national origin, matriculation, sex, sexual orientation, marital status, age, other individual characteristics" -- Anita, can you supply the other four or five?

A DELEGATE: We've been through that before.

DELEGATE CORN: Just to list off the other four or five, which -- maybe Delegate Kameny can fill in on the other four or five, himself.

CHAIRPERSON FREEMAN: Delegate Corn, would you please get your amendment together and submit it later when you have it ready.

Delegate Croft, on those problems?

DELEGATE CROFT: Yes. I don't quite know what to say after the eloquent speech we just heard. I would like to point out several things, though.

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..
Equal protection clauses do not cover currently researched people in this country. The Fourteenth Amendment does not deal with the question of women being equal. It does not deal with women being equal. The Fourteenth Amendment does not deal with people being poor.

In fact, when the Fourteenth Amendment was indeed drafted, there was that issue about who do they cover in terms of class; and, indeed, the Fourteenth Amendment was indeed drafted. Part of the reason for drafting it was to indeed not give on that whole issue around class and public. That's part of the history of the Fourteenth Amendment.

So, again, it doesn't cover people like that.

It doesn't also cover children born out of wedlock. It does not cover children born out of wedlock. And there are certain realities we have to face. Are we willing to say that 50 percent of the children currently being born will not be legally equal in this city?

Fifty percent of black children born in this city are born out of wedlock. Are we willing to say that those -- that indeed 50 percent of our children will not be equal, will not have equal rights, because the Fourteenth Amendment does not cover that? Due Process does not cover that.

Are we willing to also deal with the question of

sexual orientation? Due Process doesn't cover that question.

So the point I -- and again, another point that was made about the argument is that you can take anything and reduce it to absurdity. And most of us have become very skilled at doing that because we've had extremely fine tutors on that tactic.

The point is that no right is absolute. And we all know that. No right is absolute. The government is always able to indeed make discriminatory legislation as long as it's rational.

So with any of the kinds of statements made, you couldn't do this, you couldn't do this, you couldn't do this, you couldn't do that, are indeed false. In other words, a tactic in debate has been used. It is to, one, make something ridiculous, push it to its most absurd logic, and that's the kind of tactics that's been used here.

I'd like to make another point. People in this room, certain people in this room can indeed certainly dismiss the question of historic caste discrimination.

Well, let me say this: a majority of the people in this city cannot dismiss that question of historic caste. I will go to my grave, my daughter will go to her grave, her children to their grave, and every member of my family who has

ever lived, who indeed goes to the grave asking the question: What does it mean to be free?

What does it mean to be free?

And we cannot overlook that. And I think to indeed move to strike out that term is to try to deal with a false reality. The false reality is that the people of the city are indeed equal to each other, when they are not. If our goal is to build a world in which people are indeed equal, then we have to start with a simple recognition that people are not currently equal. People are not currently equal.

And that there are those of us who are equal, who are not equal because of our skin color, because of our sex, because of our sexual orientation, and these are things we are not equal on on this earth. And there are certain people in this room who are indeed privileged, who have benefitted from the way that this society has been structured, simply because of their sex and simply because of their race.

I want to make a point. It seem to me that we cannot overlook that, if, indeed, we are not willing to recognize a simple reality that we will not be able to build a better kind of state, we will continue the pattern, we will continue at a privilege base, as it is.

CHAIRPERSON FREEMAN: Delegate Croft, I must remind

you that we have a two minute limitation on debate.

In order of the next delegates I have Oulahan, Harris, Mason and then Corn.

DELEGATE OULAHAN: Madam Chairman, I have listened to Mr. Jackson and Mr. Croft, and I am very distressed. I am distressed that in a constitution, which is supposed to extend by the Preamble a plurality, a mixture of all the peoples in this town, the equal protection of the laws, which means something, is going to be denied.

Now, what this means to me is that, as a representative of the de facto minority of Washington at the present time, which wants a good constitution which assures all equal rights. I am a member of a group that apparently is less equal than the others in the city.

I think that's a wrong way to start a constitution. I hope on the record a statement will be made that is not the intent, but that's the way I have to read the rejection of the equal protection of the law.

I think it's up to the --

CHAIRPERSON FREEMAN: Delegate Oulahan, we added the phrase "to the equal protection of the laws and" in line 2.

DELEGATE OULAHAN: And I hard Mr. Jackson say that

he didn't want it in the constitution, because --

CHAIRPERSON FREEMAN: It has been added; it's there now.

Thank you.

Delegate Harris.

DELEGATE HARRIS: Madam Chair, I'd like to urge my fellow Delegates to vote against the Schrag substitute. In reading it three or four times I have found there's nothing specif in it. There's no guts in it. It clearly does not specify, as the present document does, youth and seniors, the disabled, free from acts of violence; and I urge you to vote the Schrag substitute down.

CHAIRPERSON FREEMAN: Delegate Hilda Mason.

DELEGATE H. MASON: Madam President and members of the delegation:

I rise to say to you that I agree with the spirit of this section wholeheartedly. I, too, am from the oppressed group in this country. I also realize, however, that there are other oppressed groups in this country, many of whom are not just black people.

You take the American Indians, one of the most oppressed groups in this whole world. The only appropriate true Americans in this country.

While we are thinking of ourselves, I hope we are also -- that will help thinking of ourselves should help us to be sensitive, more sensitive about every group of people in this world who is oppressed, no matter what race, creed, nationality, et cetera.

I am thoroughly committed to that, and I represent people in the District of Columbia, I don't represent just black people. When I worked out in the community in the Civil Rights Movement, I was working as a humanist, trying to preserve life on the planet for everybody.

I wish that as we talk about ourselves as black people, that we must not leave out other people. We are not the only oppressed people in this world or in the District of Columbia.

I know a lot of people in the District of Columbia who are oppressed, who are not black.

That does not say that I know that -- and I came from clan countries, so I know what oppression is. I know what oppression is.

I want to ask the attorney for this body if he thinks the Schrag amendment is adequate?

CHAIRPERSON FREEMAN: Mr. Thomas?

Do you have the Schrag amendmet?

DELEGATE THOMAS: I heard him say it.

From a totally legal standpoint, and all of you have my report and my comments, I concur with many of the observations of Delegate Schrag pertaining to section 17, though I am unable to say whether his amendment adequately covers the concerns of the committee.

DELEGATE H. MASON: Madam Chair, I have more. Thank you.

Madam Chair, I would like to ask the counsel if you hold to the opinion you gave on this matter?

DELEGATE THOMAS: Yes.

DELEGATE H. MASON: Then there are some problems with it?

DELEGATE THOMAS: Yes.

DELEGATE H. MASON: Would you tell us what the problems are?

DELEGATE THOMAS: Well, I think they are articulated in my report. I could read it over again.

CHAIRPERSON FREEMAN: Does everybody have a copy of Mr. Thomas's report?

Is there anybody here who does not have a copy of Mr. Thomas's report?

Mr. Thomas, do you have extra copies? Would you

please get them?

I think that if after reading it you have further questions for Mr. Thomas, we can entertain them at that point.

Delegate Corn.

DELEGATE JACKSON: Just one point --

CHAIRPERSON FREEMAN: Delegate Jackson.

DELEGATE JACKSON: Just one point of information, Madam Chair. Because it seems like it hasn't been gone over. We use the words "color", "creed", no words are left out, Madam Chair. This does not say "black color" it just says "color", it could be black, red, yellow, whatever.

Thank you, Madam Chair.

DELEGATE H. MASON: Point of order.

CHAIRPERSON FREEMAN: Delegate Mason.

DELEGATE H. MASON: What is on the record in discussion on the issues, over and over, is the issue of black people, and I'm not opposed to that. I talk about the problems of black people all the time. But there are problems of other people, and we are writing a constitution for every resident of the District of Columbia, and I want that record to be clear that we are not just making comments.

CHAIRPERSON FREEMAN: Thank you. I think Delegate

Jackson made it clear on that.

Delegate Corn.

DELEGATE CORN: I would say --

CHAIRPERSON FREEMAN: Delegate Corn is introducing an amendment to the Schrag substitute motion.

DELEGATE CORN: I, too, have been discriminated against on the basis of being a woman, and on a religious basis, and I don't like it any better than any of you, who have been discriminated against.

I would say that the way the Schrag amendment reads now, it is inadequate. Therefore, I would move this amendment:

After his first sentence that reads "no person shall be denied equal protection of the laws" I would add this sentence: "No person shall be discriminated against on the basis of race, color, religion, creed, national origin, matriculation, sex, sexual orientation, marital status, parentage, age, family responsibilities, political affiliation, physical handicap, income or lack thereof, place of residence or place of business, appearance, or other individual characteristics."

That ought to cover the full realm.

CHAIRPERSON FREEMAN: Could you please bring that up to the Secretary? Is there a second to that motion?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we amend the Schrag --

DELEGATE CORN: Where's the Secretary?

SECRETARY COOPER: Right here.

CHAIRPERSON FREEMAN: There he is.

It's been moved and seconded that we amend the Schrag substitute motion: after the first sentence of the Shrag substitute motion, we will add the following words:

"No person shall be discriminated against on the basis of race, color, religion, creed, national origin, matriculation, sex, sexual orientation, marital status, parentage, age, family responsibilities, plitical affiliation, physical handicap, income or lack thereof, place of residence or business, appearance or other individual characteristics."

Any discussion on that?

Delegate Schrag.

DELEGATE SCHRAG: I would just like to -- I can support this amendment. I'd like to make it clear that I am not, as some Delegates might infer, attempting to deny anybody in proposing this, any rights or suggest that anybody is less equal than anybody else.

I am trying to help the convention come up with a

section on equality that is free of troublesome technical problems. I have no objection to adding language to my proposal, or to working, or if my proposal is defeated, to working on a line-by-line basis, to take care of the technical problems in the committee's proposal.

Basically I think the committee has done a very good job. I've been very quiet the last two days in the discussion of this Bill of Rights. I have spoken very little in opposition to the committee's work, because I think that they have basically done a reasonably good job. In this section I think that there is some tightening to be done. I have offered one approach. My approach is not intended to deny anybody's rights.

This amendment may help to touch some of the bases the committee wanted to touch, and that's fine.

CHAIRPERSON FREEMAN: Delegate Robinson?

DELEGATE ROBINSON: Madam Chair, I am confused at this point.

I am confused because legal counsel has stood before this body and told us, rather pointedly, that he has problems with the argument. At the same time, Delegate Schrag has introduced to us a substitute, which the body feels that it has problems with. I am hopeful and I am asking that if it

is the consensus of the body that this article contains the language that we want, then why don't we take the time to work line by line, clean up the entire article and go about adopting it?

The way we are going now, we will be here until ten o'clock in the morning. No one will be able to start the second readings.

CHAIRPERSON FREEMAN: Thank you, Delegate Robinson.

As I indicated earlier, this is the only substitute motion that we have for the entire section. Thereafter we have amendments which deal essentially line by line, and we have organized them in the order of line by line. And I think that it would be perfectly in order that I ask Delegates, if you wish to make additional amendments, that you deal with them on a line by line basis after that, after we finish the Schrag substitute motion.

DELEGATE GARNER: Move the previous question.

DELEGATE SHELTON: Point of personal privilege.

CHAIRPERSON FREEMAN: Delegate Shelton.

DELEGATE SHELTON: First of all, I hate to disagree with our distinguished attorney. I have listened rather extensively to his comments, and as one who administers the Human Rights Act, concurring with everyone who has

written the Human Rights Act, I feel that the attorney, while well intended, perhaps as many attorneys are not expert on this particular aspect of the law.

This is a new and emerging field of the law, for which there are, unfortunately, very few experts.

I would feel that the committee's report here, while it is well and broad encompassing, we should not fear that the Human Rights Act, which is currently on the books, all of the principles established here are already law in the District of Columbia.

Second, I think for just a moment of history, with respect to this question of black and white, there is no question in the history of this country that the struggles of black people to get a Civil Rights Act in this country led the way for Human Rights for women, led the way for Human Rights for gays, and have led the way for Human Rights for all people.

We who are black would not in any way feel that any other rights are not encompassing. But I must stand before you and tell you that while the rights of many have gone forward, as the struggle for Civil Rights has gone forward, the rights of blacks are still unheard of in the District of Columbia.

[Applause.]

DELEGATE SHELTON: While we have a majority number status, we are still possibly the most oppressed, and I say THE most oppressed group of people in the field of employment, housing, and all of the other basic economic issues.

Now, while we do have, and we are proud of our leadership role in this community, that I believe that we would be derelict in our responsibility in this constitution if we did not make clear that through the process of self government that we intend to put all of the powers invested in us to lead the way in providing greater strength for the blacks in this community, AS WELL AS including all of the other groups that are assembled.

And I think it is because of the struggles which many of us who are in this room have fought so hard, that we now have some of the rights that we have.

I think that we would be remiss in our responsibility if we did not -- it is entitled Freedom from Discrimination. And we happen to know historically that this is a group of people who have been oppressed.

Now, if you want additional technical information about case law, about particular aspects of this, I will not trouble you with the time, but we do have at least two known

experts in the room, and I will not include me as one of those, in the area of human rights.

So if you want technical information, -- this, of course, is a broad and encompassing regulation. There are others who could be included. But I urge that the concept of affirmative action, without the concept of affirmative action to move forward, we will not have the rights of the people in the District of Columbia protected.

So, therefore, I urge that we vote for the committee proposal in this regard.

[Applause.]

5B

CHAIRPERSON FREEMAN: Thank you.

Delegate Schrag?

DELEGATE SCHRAG: Madam Chair, since it is clear the body would rather proceed line by line, I don't want to take up extra time of the body; I would like to withdraw my amendment.

CHAIRPERSON FREEMAN: Delegate Corn, you had a question?

DELEGATE CORN: I was going to ask if the counsel felt and the body felt that with my amendment, as I said, with about 20 categories, it did not in fact cover everything and therefore, you know --

CHAIRPERSON FREEMAN: Delegate Shrag has withdrawn his amendment, his motion; your amendment now is out of order.

I will move on to the next --

DELEGATE GRAHAM: Call the previous question.

CHAIRPERSON FREEMAN: Delegate Graham, since we've withdrawn the Schrag substitute motion and the Corn amendment, we will move right on to the series of other amendments that I have before me.

The next -- yes, Delegate Robinson.

DELEGATE ROBINSON: Madam Chairman, my understanding was that with the withdrawal of the Schrag amendment, that we would proceed with a line by line.

CHAIRPERSON FREEMAN: That is correct.

DELEGATE ROBINSON: Okay.

CHAIRPERSON FREEMAN: However, if you don't have an amendment, would you like me to call for an amendment for each line? Is that the sense of the body?

VOICES: Yes.

CHAIRPERSON FREEMAN: Even though there is no amendment submitted to me, you would like me to ask for an amendment?

A DELEGATE: Yes, give a line and say there are no

amendments for it and give the line, then move to the next line.

CHAIRPERSON FREEMAN: Yes. Well, I have no amendments. We have amended line 2, as you all know, with "to the equal protection of the laws".

Now, I have an amendment before me for line 3. But, first, as I understand, if I heard the committee correctly -- may I have your attention, please, Delegates?

That the committee has changed the word "caste" to the word "group"; is that correct?

The word "caste" is replaced by the word "group".

Now, I have an amendment here from Delegate Garner, for line 3, to delete the words "historic caste". Delegate Garner, do you still want that? It would mean now to delete the words "historic group".

Thank you. Is there a second to that amendment?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: Delegate Garner, would you like to speak to it?

DELEGATE GARNER: Madam Chair, I would, and I rise, perhaps not as eloquent but as impassioned in my concern and my person experience with discrimination, and I urge you not to limit the prohibition on discrimination. What the words

"historic group" does is limit the discrimination that is prohibited.

It only prohibits discrimination based on historic groups. If groups have been discriminated against in the past, they are free from discrimination. However, nothing in this section says that groups which have not been discriminated against in the past are free from discrimination. In fact, by their omission, this section says you may -- you may discriminate against males and white and strangers; that's what the words say.

Now, I understand that is not the intention of the committee.

What the committee and I are disagreeing over is the best way to accomplish our mutual objectives. If you maintain these words, you will make it possible, under this document, to discriminate against large numbers of individuals in this body and in the next state; and I urge you to consider why you want to limit the discrimination you would have prohibited.

If you removed the words "historic group", the reading is now: "Every person shall have a fundamental right to be free from discrimination" whatever it is. I wonder why people want to limit the prohibitions on discrimination, and

urge you, if you do believe, if you are against discrimination, to delete these words.

Thank you.

CHAIRPERSON FREEMAN: Delegate Jackson, are you responding for the committee?

DELEGATE JACKSON: Yes, ma'am, I will be speaking for the committee.

Mr. Garner amended the original section to say equal protection under law. Madam Chair, that covered everything that he has possibly mentioned.

Maybe the words "historic group" discrimination cause problems if they are not understood. We have changed the word "caste" to "group". What does that mean?

That means discrimination established in history, either past or present, "historic group discrimination". What does "group" mean? It means a section of people, a status of people who have been discriminated against in toto.

Now, are we saying, Madam Chair, are we saying that we do want special protections for those who have been discriminated against, so that they will not be discriminated against again? Yes, Madam Chair, that is the full intent.

That is the full intent, to guarantee that the lesser brothers and sisters would now be free from the

discrimination of the past and of the present. We hold no other intent than that, Madam Chair.

And therefore, the sentence without the words "historic group" takes the complete essence out of it, because it does not establish the fact that what we are saying here is that those who have been discriminated against, either past or present, shall not now, and that there shall be measures taken by the state to guarantee that it be stopped.

CHAIRPERSON FREEMAN: Delegate Shelton? Delegate Love.

DELEGATE LOVE: I would urge my fellow Delegates to vote in favor of removing these two words "historic group". As has already been pointed out, essentially this will mean any discrimination that happens from the day of the start of this constitution will not be covered under this section.

If a new group comes in, a new nationality from a new country, a country that has not yet, for example, suffered the kinds of problems that El Salvador or somewhere else decides to come into this country, they will not be covered because the discrimination will not be historic, it will be present, it will be in the future.

For some reason, people always find some new group

to discriminate against. And I feel that the way this is worded is, it is a document looking toward the past not a document looking toward the future.

I think it should look toward both. I think it does, without the words "historic" and "group"; I think these words say to any new group that comes into the District of Columbia, from wherever they come, that they can be discriminated against.

So I would urge you to vote against these two words. Thank you.

CHAIRPERSON FREEMAN: Delegate Robinson.

DELEGATE ROBINSON: I move the previous question.

A DELEGATE: Second.

SECRETARY COOPER: Question has been called.

CHAIRPERSON FREEMAN: It has been moved and seconded that we close debate on the Garner amendment, which would delete the words "historic group" in line 3.

Delegate Marcus, somebody from the committee has spoken. There has been debate -- the question has been called to close debate.

All those in favor of closing debate, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Several "noes".]

CHAIRPERSON FREEMAN: Debate is closed on the Garner amendment.

The garner amendment would delete the words "historic group" from line 3.

All those in favor of the Garner amendment, please raised your hands.

[Showing of hands.]

SECRETARY COOPER: Ten.

CHAIRPERSON FREEMAN: All those opposed, please raise your hands.

[Showing of hands.]

SECRETARY COOPER: Twenty-three.

CHAIRPERSON FREEMAN: Abstentions?

SECRETARY COOPER: Two.

CHAIRPERSON FREEMAN: The Garner amendment is defeated.

Now, moving right along, do we have any additional amendments for line 3? Line 3. Delegate Love?

DELEGATE LOVE: Madam Chair, I would like in line 3, after the word "historic" to add the words "and future".

CHAIRPERSON FREEMAN: Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that after the word "historic" we add the word "future" or -- "and future"; "historic and future".

DELEGATE SHELTON: Madam Chair, I have a point of order.

CHAIRPERSON FREEMAN: Delegate whelton?

DELEGATE SHELTON: That seems to me, and maybe I can ask the Delegate a question through the Chair -- are you saying that it would now include the words "historical and future discrimination"?

DELEGATE LOVE: Yes.

DELEGATE SHELTON: That is slightly different from the committee's intent. Do you understand that Delegate?

CHAIRPERSON FREEMAN: Yes. Delegate Shelton, this is not a point of order.

DELEGATE SHELTON: That is a subterfuge for the original motion that was before us earlier.

CHAIRPERSON FREEMAN: This is before us and we can debate it.

Is there debate on the Love amendment?

Delegate Jackson?

DELEGATE JACKSON: Yes, Madam Chair, I wish to urge

all the committee members to vote it down, for reasons to vote it down.

First of all, there is no way, and it is interesting that we have tried to tidy up this thing. But there is no way that we can say who will be discriminated against in the future. How can we say right now what's going to happen in the future?

What we would say, Madam Chair, is that that person would not be free from discrimination; it is impossible to know what would happen in those instances.

Now, if the language is to protect something that's not there, Madam Chair, I can understand it. And also, Madam Chair, I might add that the words "National origin" covers all minorities and all groups, from El Salvador, Vietnam, or wherever else. It is exactly covered, Madam Chair, the language is perfect, perfect, perfect.

Thank you.

CHAIRPERSON FREEMAN: Thank you. Is there further -- Delegate Corn?

DELEGATE CORN: I would definitely support this amendment, because of the word "historic" being kept here. Let us assume a situation that 500 years from now the country is 60 percent black, 20 percent Indian and Hispanic, and 20

percent white. You would not want to -- I hope, in any case, that you would not want to perpetrate on that 20 percent minority of whites what has in fact been perpetrated on the black minority in the past.

That's why I would support the amendment of adding "and future".

CHAIRPERSON FREEMAN: Is there further discussion on the motion? All right. Delegate Robinson, then Delegate Love.

DELEGATE ROBINSON: I move the previous question.

CHAIRPERSON FREEMAN: Okay, it's been moved and seconded that we close debate on the Love amendment. All those in favor of closing debate, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Several "noes".]

CHAIRPERSON FREEMAN: Delegate Love, would you like to speak to your amendment?

DELEGATE LOVE: Yes. There seems to be some intimation here that somehow I or others are trying to protect what's going to happen to whites. I personally don't feel whites need to be protected, and I'm not worried about whites. I'm worrying about other groups.

What has happened is every time, every year, we come up with a new kind of discrimination. It's amazing, the bases that people can find for discrimination. All I want to make sure is that this document will cover what happens in the future as well as it covers what happened in the past.

CHAIRPERSON FREEMAN: Thank you.

Debate is closed now on the Love amendment.

All those in favor of adopting the Love amendment, which would add the words "and future" after "historic", please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Chorus of "noes".]

CHAIRPERSON FREEMAN: Abstentions?

The amendment is defeated.

I have another amendment here for line 3 from Delegate Garner.

DELEGATE GARNER: Withdrawn.

CHAIRPERSON FREEMAN: Withdrawn.

Are there further amendments to line 3?

Delegate Oulahan?

DELEGATE OULAHAN: One question. And perhaps if the question is answered, than I won't go further.

It's my understanding that under the Human Rights Act, D. C. Code 1, Title 25, there is no prohibition against what one might call private discrimination, which means the right to association and the right to privacy.

Why is the word "private" used here? I don't know what it means. I think it is counter to my right of association or your right of association, and your right to privacy.

CHAIRPERSON FREEMAN: Delegate Kameny?

DELEGATE KAMENY: "Private" here is used -- I'm somewhat surprised at the question -- "private" here is used in contradistinction of the use of the word "public"; it simply means that -- or as one of numerous examples -- and I am not going to start listing endless examples -- an employer conducting a private business as distinguished from the government conducting its public affairs, may not refuse to hire someone on the basis of, let us say, race. That's all. That is private discrimination by a private person, in such a context as distinguished from the government discriminating in exactly the same way in a public context.

That's all it means.

DELEGATE OULAHAN: Point of information.

CHAIRPERSON FREEMAN: Delegate Oulahan.

DELEGATE OULAHAN: Could I ask through the Chair of Mr. Kameny whether or not the use of the word "private" here would prohibit in any manner the association of private individuals in a club, red-haired Irishmen who excluded blue-eyed Irishmen; would it impinge in any manner on personal relationships between individuals in the home, and in neighborhoods?

CHAIRPERSON FREEMAN: Delegate Kameny.

Or somebody else from the committee.

DELEGATE MARCUS: The answer to that question is -- if, in fact, what we're talking about is red-haired Irishmen, wanting to associate with other red-haired Irishmen in a private club, the answer is no.

There are gray areas, Mr. Oulahan, we all recognize that. We all recognize that those gray areas may require some court action. Court action in fact establishes dividing lines. That is what the courts are for. We should not be afraid of having those dividing lines or those issues defined in the courts. We are not trying to keep people from having private associations with the people with whom they would like to keep company, for example, at a dinner party; but we are trying to keep people from being denied jobs. Simply because of the color of their skin, or their disability,

of their sex or sexual orientation.

CHAIRPERSON FREEMAN: Can we move on to line 4?

Is there any objection to moving on to line 4?

Okay. I have an amendment here from Delegate Bruning to line 4, to delete the words "factors such as". Is there a second to that?

DELEGATE CORN: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we delete the words "factors such as" in line 4.

Delegate Bruning.

DELEGATE BRUNING: Yes. I have talked to people on the committee, and I tried to get a sense of how that came in. I understand it's essentially a shorthanded way of making sure we include other categories besides race, color, creed, et cetera.

I feel uncomfortable, having enumerated that many on an issue as important as the discrimination "free of" that I am uncomfortable with something that is kind of an open-ended -- that you can kind of add on what you want.

I would feel more comfortable to delete that. If we leave it there are important categories being left off or excluded, and that we then proceed on a case-by-case, 25 or 20 cases, and add those additional sections.

But "factors such as" in an important constitutional section like this, that strikes me as being unfortunately very loose.

I think we have to be more specific about that.

DELEGATE KAMENY: The committee will accept the amendment.

CHAIRPERSON FREEMAN: The committee will accept the amendment.

Is there further discussion on this amendment?

SECRETARY COOPER: What was it?

CHAIRPERSON FREEMAN: The amendment is, Delegate Cooper, to strike the words "factors such as". Are we ready for a vote?

This is on line 4. All those who are in favor of the Bruning amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Abstentions?

The Bruning amendment is carried.

Are there further amendments for line 4?

DELEGATE GARNER: Madam Chair, may we discuss line 4 without amendments?

CHAIRPERSON FREEMAN: Sure.

DELEGATE GARNER: I was hoping someone on the committee could enlighten me and the body as to those items of race or color or creed or national origin, or citizenship, which, under this language, aren't that free from discrimination and which ones are not?

DELEGATE COATES: Point of order, Madam President.

CHAIRPERSON FREEMAN: Delegate Coates.

DELEGATE COATES: Is this a question and answer session with respect to the article, or are we posing amendments?

CHAIRPERSON FREEMAN: Delegate Coates, you may not know but we had not had a full discussion during the question and answer period, so it's appropriate for Delegates to ask questions to the committee.

I did have a Corn amendment for line 4, which I would like to read to you.

Delegate Garner.

DELEGATE GARNER: I asked a question of the committee.

CHAIRPERSON FREEMAN: I'm sorry.

DELEGATE NAHIKIAN: What was your question?

DELEGATE GARNER: My question was some help in

understanding the section. I was hoping to be able to get one or two of the items listed in lines 4 and 5, and indicate to the body which of the races, for instance, which of the colors, for instance, of the creeds, are protected from discrimination and which ones are not.

CHAIRPERSON FREEMAN: Could somebody respond?

DELEGATE JACKSON: Well, there was a point of order first.

CHAIRPERSON FREEMAN: Was there a point of order? I didn't hear one.

DELEGATE JACKSON: I didn't ask -- well, we did have a question and answer period, Madam Chairman, but we didn't discuss some of these things.

CHAIRPERSON FREEMAN: No, I know, I didn't say that we didn't.

DELEGATE JACKSON: But let me say certain things. We definitely can see a white clearance in some scientific means. We all know what the term "race" means. There are many different definitions of race. The United Nations gives three categories of it. Other groups give five categories. If you know what it means, black, white, red, yellow and brown.

Some classifications use the word "Mongolian,

Mongoda, Caucasoid, Negroid." We know exactly what they mean.

So that is what we are saying here, those of those groups which have been discriminated against historically, in the past, which also means the present discrimination.

National origin, Madam Chair, means anyone of a national minority grouping. That is very simple. It would cover anyone. If we are worried about someone coming in from the moon in two days, don't worry, they're covered if they're a different nationality.

[Laughter.]

DELEGATE JACKSON: We got you on that, Brother. So I don't know what else I've got to say now.

CHAIRPERSON FREEMAN: Thank you.

Okay. Are there any amendments now for line 4?

DELEGATE SHELTON: Delegate Baldwin asked to be recognized.

CHAIRPERSON FREEMAN: Excuse me?

DELEGATE SHELTON: Delegate Baldwin wants to be recognized right now.

CHAIRPERSON FREEMAN: Oh, Delegate Baldwin.

DELEGATE BALDWIN: I think if there is anything I know something about, it is discrimination.

Your definition of what is unlawful discrimination and I was just surprised at the question, what race, what color, what anything. The 1964 Civil Rights Act, as amended, said race. It didn't say what race. It means all races of color, if they are discriminated against illegally, all colors -- well, it doesn't have to say that. You can't find a law in the country, if you go back to 1868, it never says any particular race.

The only thing that's been defined, is Minority has been defined with seven distinct categories. And those who say: You stay here until five o'clock, because I won't be here, I won't be one of those who sit here and carry on this type of conversation.

I would like for us to move on. And we, most of us are familiar with laws that deal with discrimination. And the 1964 Civil Rights Act, as amended, specifically deals with race, creed, color, sex, age, and no one has ever asked them what races were you talking about. Some people have gotten involved in saying there's such a thing as reverse discrimination, and I see you're smiling, I'm sure that's what you were driving at. But it just says race.

CHAIRPERSON FREEMAN: Thank you, Delegate Baldwin.

Delegate Corn, I'm unclear, do you have two amend-

ments for line 4?

DELEGATE CORN: One for line 4 and then a whole series for line 5.

CHAIRPERSON FREEMAN: Well, just please give the one for line 4.

DELEGATE CORN: AFTER THE WORD "color" add the word "religion". I hope that this is just an oversight of the committee.

CHAIRPERSON FREEMAN: Is there a second?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: Okay, it's been moved and seconded that the word "religion" be inserted between the words "color" and "creed".

Discussion?

Delegate Corn, would you like to speak to that now, or --

DELEGATE CORN: I think it is so self-evident that if anyone in this room votes against it, adding that word, don't ever say that you are fair or nondiscriminatory, because you couldn't be if you vote against this.

CHAIRPERSON FREEMAN: Would the committee like to respond? Delegate Marcus?

DELEGATE MARCUS: Thank you very much.

DELEGATE CORN: One more thing I'd like to add: please don't say that creed and religion are the same thing. They most certainly are not. Creed is an individuals point of view or belief. Religion is an organized thing.

A DELEGATE: If anybody knows that about creeds, I do.

CHAIRPERSON FREEMAN: Delegate Marcus.

DELEGATE MARCUS: Thank you very much.

The committee's discussion regarding this, the issue of whether or not creed covered religion came up. We did two things: We asked the chair of the committee, who is a reverend, clergy person, who works in the service of religion, and we took a look at the dictionary, which I am sure Delegate Corn has taken a look at in preparing her amendment.

What we understood from Reverend Moore and from the dictionary is that in fact that word "creed" does cover religion. In addition -- in addition, the first section of this article specifically speaks to religion, and therefore the committee chose to include the word "creed" as opposed to the word "religion".

CHAIRPERSON FREEMAN: Delegate Robinson.

DELEGATE ROBINSON: Madam Chair, I stand in support

of Delegate Corn's amendment. I question, as was previously stated, that all creeds imply a religion.

And I would hope that since this body failed to include in its Preamble any mention of a Supreme Being or the Deity, that the word "religion" be recorded and properly placed in this article.

CHAIRPERSON FREEMAN: Thank you.

Delegate Bruning?

DELEGATE BRUNING: Yes. I ask the same question of Delegate Marcus, with due respect to him, he read the dictionary definition of "creed" to me in its varied and sundry definitions; of course, I am not convinced that "creed" covers religion. So I would say I think it should be inserted.

CHAIRPERSON FREEMAN: Thank you.

Delegate Thomas?

DELEGATE THOMAS: Move the question, please.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we close debate on the amendment. All those in favor of closing debate, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Several "noes".]

CHAIRPERSON FREEMAN: Debate is closed on the Corn amendment, which would add the word "religion" between the words "color" and "creed" in line 4.

All those in favor of the Corn amendment, please raise your hands.

[Showing of hands.]

CHAIRPERSON FREEMAN: All right, we needn't count. All those opposed, please raise your hands.

[No response.]

CHAIRPERSON FREEMAN: Abstentions?

The Corn amendment is adopted.

Are there further discussion or amendments for line 4?

Can we move on to -- line 4? Delegate Baldwin.

DELEGATE BALDWIN: Madam Chair, on the word citizenship, there is no such thing as a basis for discrimination. Delegate Kameny?

CHAIRPERSON FREEMAN: Would the committee like to respond?

Delegate Marcus, are you responding for the committee?

DELEGATE MARCUS: Yes, I am.

The word "citizenship" was placed in there in place of the word "alien". We felt that the word "citizenship" more accurately reflected the relationship that led to discrimination in regard to folks who were not necessarily citizens of this country, and may in fact have come from other countries, or other planets, as Delegate Jackson mentioned a while ago.

This is in accordance with the language that was laid down by the Committee on Education as well.

CHAIRPERSON FREEMAN: Delegate Oulahan?

DELEGATE OULAHAN: I have a question, Madam Chair, for Mr. Marcus.

Mr. Marcus, does your answer mean that it is a discrimination against aliens if they are not entitled to vote because they don't have citizenship?

CHAIRPERSON FREEMAN: Delegate Marcus?

DELEGATE MARCUS: Mr. Oulahan, that question has been dealt with a number of times in this convention. I don't believe that the answer to your question is yes, I believe it is no. We are talking about discrimination in regard to the issues of housing and jobs and shelter and medical care, and any number of things that people are involved in in this particular community.

The issue of aliens and citizenship and discrimina-

tion has long, as you well know, has long been a question which is settled by simply accepting in this society that in fact the Fourteenth Amendment covers the rights of aliens, and that the Fourteenth Amendment doesn't specify that aliens can in fact vote.

CHAIRPERSON FREEMAN: May I ask, Delegate Garner, are you asking a question or speaking to this topic?

DELEGATE GARNER: I am speaking to the question of citizenship.

CHAIRPERSON FREEMAN: Okay, Delegate Garner.

DELEGATE GARNER: I support the motion by Delegate Baldwin. We do in this document and other places discriminate not only on the basis of citizenship, but you cannot be a candidate for office unless you have certain residency requirements. But I believe it would be a contradiction to leave citizenship here and to have citizenship being a basis for voting.

We should have it one way or the other, the one section saying you must be a citizen to be able to vote. Now, the fact that if citizenship doesn't pertain to voting, then race doesn't pertain to voting, either. And under Mr. Marcus's interpretation we cannot of course discriminate against historic caste races on the issue of voting.

I am suggesting that's not the interpretation he intended.

CHAIRPERSON FREEMAN: As I understand the amendment from the floor, Delegate Baldwin asked the committee to delete the word. I just want to point that out to the Delegates.

Delegate Baldwin?

DELEGATE BALDWIN: I asked the current delegate -- and I keep referring to delegate, but as candidate because he served on the Human Rights Commission for six years. And he knows, and those of you who are lawyers in the room, if you know anything about discrimination and law, you cannot enforce and give me some case history where, in this country, where it is illegal, illegal discrimination to -- against someone because of citizenship. And national origin covers it.

So I'd like some case histories, case law, and identify such that it's illegal as far as discrimination is concerned.

But by citizenship, as someone pointed out back there, there are non-citizens who do not have certain rights in this country, and rightly so.

Are you saying now that they would have a right to

-- whatever it is, or schools, whatever they must have this right, and if you don't give them this, that because of citizenship, that they would -- you in fact are discriminating against them and it's called illegal discrimination.

I just don't know of any of our laws, civil rights laws in this country that include the word "citizenship". I'm sure it doesn't exist, and there just isn't any other law that deals with discrimination.

CHAIRPERSON FREEMAN: Delegate Mason, would you like to respond for the committee?

DELEGATE C. MASON: Yes. I should like to point out that, as Delegate Baldwin says, most civil rights statutes do not mention citizenship. We deliberately inserted it in this one.

However, there is case law that in the several cases, a number of circumstances, discrimination against non-citizens violates the equal protection clause.

The case involving the State of Connecticut, which attempted to deny admission to the bar, to a person who is not a United States citizen but who was a graduate of the Yale Law School. This case was decided in favor of the applicant.

There is a case in Puerto Rico where there was an

attempt to deny a professional engineer's license to a person not a United States citizen. He won in the Supreme Court.

There was the Duago case in New York, where New York State had a blanket law saying the State will not hire ny persons not United States citizens. And that was held contrary to the Constitution.

The Supreme Court has permitted States to draw narrow lines, saying that you cannot be a judge, for instance, unless you're a United States citizens, but they don't say a State cannot employ you in any capacity because you're not a United States citizen.

All I'm pointing out, that there is discrimination on the basis of citizenship, is a factor that in some circumstances has been held to be unconstitutional. It was the thought of the committee that in our constitution we would extend this beyond what is found in some other States.

DELEGATE BALDWIN: Madam Chair, I'd like to ask a question through you. How would you enforce --

A DELEGATE: Point of information.

DELEGATE BALDWIN: How would you enforce this? You know, you'd have to enforce, supposedly under the constitution, and I'm really asking for information. If a non-citizen wanted to vote, he can say he was discrimin-

ated against because --

CHAIRPERSON FREEMAN: Okay, Delegate Baldwin, could I ask you a question. The question is how would this be enforced?

DELEGATE C. MASON: It would be enforced in the same way that anything else is enforced. Either by legislation saying that a human rights commission or some such body would deal with it. Or, if there isn't any such, I suppose the people would have to go to court.

I would also point out that --

CHAIRPERSON FREEMAN: May we have order in the room, please?

DELEGATE C. MASON: -- there are a long line of cases forbidding discrimination against non-citizens with respect to education.

CHAIRPERSON FREEMAN: Thank you.

Delegate Harris?

DELEGATE HARRIS: Madam Chair, I have grave problems with this section.

No. 1, we're dealing with a State Constitution, but we're talking about federal regulations. The State does not give citizenship, not that I know of. I think this section is completely out of order here. And I think that we should vote citizenship down. We're not talking about what

the State gives. And the State will not be able to regulate this. We're talking about federal provisions, and I don't think the committee has been able to answer the question at the State level.

I think we should vote it down.

CHAIRPERSON FREEMAN: I want to point out to the Delegates, there is no motion on the floor right now. Did Delegate Baldwin or Delegate Harris wish to make a motion?

DELEGATE HARRIS: I move that we strike, on line 4, the word "citizenship".

DELEGATE OULAHIAN: I will second the motion.

CHAIRPERSON FREEMAN: It's been moved and seconded that we strike the word "citizenship" on line 4. I will continue discussion in the order in which I saw hands. Delegate Long?

DELEGATE LONG: I just want to say if this motion fails, I will offer an amendment.

CHAIRPERSON FREEMAN: Delegate Schrag.

DELEGATE SCHRAG: I agree with what Delegate Mason has said. There is emerging and growing case law to protect the rights of non-citizens and to insure the equal protection of the laws with respect to them. And I don't think there's

any problem with a conflict of federal law.

As the committee has said, the point of a State Bill of Rights is to go beyond the federal protections and there's no reason why the State can't grant a greater measure of equality to non-citizens than they might have under the laws of some other State or that they might have in the absence of law.

Just because they don't have laws for the rights of citizens under federal law, is no reason why the State can't grant equality to them under its State law.

I support the committee's language.

CHAIRPERSON FREEMAN: Okay, I can give the committee no more opportunity to speak to this. You may speak to this now or you may speak at the end of this debate.

DELEGATE MARCUS: I would like to add three pieces of information to the body.

CHAIRPERSON FREEMAN: So you would like to speak now.

DELEGATE MARCUS: Yes. There are at least two cases that we are able to assemble which specifically deal with functions that the State must undertake in regard, and working with and providing benefits to, non-citizens of that

particular State, and that's what we mean when we refer to citizenship. We refer to non-citizens, we refer to aliens.

They are Graham vs. Richardson, which is a 1971 case, which requires that States provide welfare benefits for non-citizens.

And the other one is a case which relates to the State of Texas and I'm sorry I don't happen to have the cite with me at this moment, in which the State of Texas is required to educate the children of illegal aliens. They have a duty, it's a State duty to educate the children of illegal aliens.

That's two pieces of information.

The third piece of that information is that the elimination of the word "aliens", any reference to aliens, non-citizenship, non-citizens or citizenship in this particular article does less, adds less protection than the Fourteenth Amendment to the Constitution of the United States, which does in fact do that.

And it's because of the fact that the State has a duty in regard to non-citizens and aliens that, in fact, the word "citizenhip" appears in this particular article.

Thank you.

CHAIRPERSON FREEMAN: Thank you.

6A

DELEGATE ROBINSON: I move the previous question.

CHAIRPERSON FREEMAN: Delegate Corn?

DELEGATE CORN: I would like to speak for this amendment.

CHAIRPERSON FREEMAN: We debated this. Even though you are technically correct that we did not have the amendment on the floor, this has been debated at length prior to that being put on the floor.

It has been moved and seconded that we close debate on the deletion of the word "citizenship" on line 4. All those in favor of closing debate, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

A DELEGATE: Nay.

CHAIRPERSON FREEMAN: Debate is closed.

All those in favor of striking the word "citizenship" on line 4, please raise your hands.

[Chowing of hands.]

SECRETARY COOPER: Twelve.

CHAIRPERSON FREEMAN: May I have total quiet in this room?

All those opposed to striking the word "citizenship"?

[Showing of hands.]

SECRETARY COOPER: Eighteen.

CHAIRPERSON FREEMAN: Abstentions?

SECRETARY COOPER: One.

CHAIRPERSON FREEMAN: The amendment is defeated.

Is there any -- are there any more amendments to line 4? I got one from somebody and it is totally unidentified as to who the delegate is. I will -- okay, Delegate Eichhorn.

DELEGATE EICHORN: Madam Chair, I would like to add after "national origin" "developmental disability".

CHAIRPERSON FREEMAN: Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that on line 4, after the words "national origin" we add the words "developmental disability". Discussion?

Would the committee like to respond now or at the end of discussion?

DELEGATE MARCUS: We'll respond now, but very briefly.

CHAIRPERSON FREEMAN: Delegate Marcus.

DELEGATE MARCUS: In discussion with a number of groups dealing with persons with disabilities, which, by the

way, is a broader category than developmental disabilities, we were brought to the conclusion that in fact persons with disabilities face different sorts of discrimination which in fact need to be spelled out in a different way.

Consequently, that is the reason for subsection (b) of this particular article, of this particular section. If the body wants to include persons with disabilities in the list that's here in subsection (a), that is the body's business.

However, if the body intends to include persons with disabilities and then ignore the special sorts of discrimination and problems that persons with disabilities face, by eliminating subsection (b) the body has done a grave disservice to the disabled community, and does not live up to its own commitment of fighting discrimination in its special forms.

Persons with disabilities face a form of discrimination which has to do with more than simply an integration into the society, but has to do with the physical and mental integration of persons with disabilities in this society, and that is why they are covered in a separate subsection.

CHAIRPERSON FREEMAN: Delegate Eichhorn.

DELEGATE EICHHORN: I proposed this amendment

because of two things. One is that I think when you speak of historic group discrimination, to leave out the developmentally disabled is a serious oversight.

I am certainly not opposed to the language in section (b), there are some rights included in (a) employment, discrimination is ruled out and other kinds of discrimination that are not covered in (b); and I believe this group should be included in (a) so that they are as broadly covered as other groups, as well as the special consideration that they are proposed to be.

CHAIRPERSON FREEMAN: Delegate Corn?

DELEGATE CORN: I would like to first ask a question and then I may want to -- Delegate Eichhorn, is developmental disability, does that include physical handicaps whether they are birth defects or they happen later on in life?

CHAIRPERSON FREEMAN: Delegate Eichhorn?'

DELEGATE EICHHORN: I'm sorry, I didn't hear that.

CHAIRPERSON FREEMAN: Would you repeat the question?

DELEGATE CORN: I asked if developmental disability includes physical handicaps, which are both birth defects and those which develop later on in life?

DELEGATE EICHHORN: If they develop before adult-

hood, before 18, it includes persons who are mentally retarded, cerebral palsy, epilepsy.

DELEGATE CORN: So, in other words, for instance, let's say when you --

DELEGATE EICHHORN: Many are blind.

DELEGATE CORN: Let's say when you're 30 years old you have a fall and become a paraplegic or be confined to a wheelchair from then on, this would not include that kind, correct?

DELEGATE JACKSON: That's out of order.

CHAIRPERSON FREEMAN: No, I think we need to understand that.

Would you like to answer the question?

DELEGATE CORN: Okay, now may I amend this amendment? Would that be in order?

I would like to add the words "and physical handicapped".

CHAIRPERSON FREEMAN: Is there a second to that?

Is there a second for that?

The amendment dies for lack of a second.

Delegate Baldwin?

DELEGATE BALDWIN: I just want to make an observation, Madam Chairperson.

I'm sure Delegate Shelton will support this.

The majority of the State laws have a section based on what they refer to as the ph-sical and mentally handicapped, and so her amendment, as she defined it, she said developmental handicap, but when she defined it she also said that would include mentally handicapped.

CHAIRPERSON FREEMAN: Thank you.

Delegate Talmadge Moore.

DELEGATE T. MOORE: I rise in support of the amendment by Delegate Eichhorn. I have had experience during the summers in such institutions, particularly as a counselor in the D. C. Public Schools, and these handicapped persons are discriminated against.

And I support it wholeheartedly.

CHAIRPERSON FREEMAN: Thank you, sir.

Delegate Robinson?

DELEGATE ROBINSON: I move the previous question.

DELEGATE LOVE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we close debate on the Eichhorn amendment.

All those in favor of closing debate, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Debate is closed on the Eichhorn amendment.

The Eichhorn amendment would add on line 4, after the words "national origin" the words "developmental disability".

All those in favor of the Eichhorn amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Chorus of "nays".]

CHAIRPERSON FREEMAN: Abstentions?

The amendment is defeated.

Is there any further discussion or amendments for line 4?

May we move on to line 5?

DELEGATE KAMENY: Yes. Please.

CHAIRPERSON FREEMAN: Thank you.

I have one here from Delegate Corn. On line 5, after the word "poverty" to add the word "appearance".

DELEGATE CORN: Wait, please. May I extend that to include a whole bunch of things that are included in the

Human Rights Act of '77?

CHAIRPERSON FREEMAN: Yes, you may.

DELEGATE CORN: All right. Starting with the word "poverty" to the very end of the line, I would amend it to read as follows:

..."age, family responsibilities, matriculation, political affiliation, physical handicap, income or lack thereof, place" --

CHAIRPERSON FREEMAN: Would you slow down, please, Delegate Corn?

DELEGATE CORN: Yes, I'll hand it in in a minute.

CHAIRPERSON FREEMAN: Okay.

DELEGATE CORN: ..."place of residence or place of business, appearances, and other individual characteristics and parentage."

A DELEGATE: What about the economic sense?

DELEGATE CORN: Economic sense --

CHAIRPERSON FREEMAN: This is to appear after the word "poverty".

Is there a second to this motion?

DELEGATE CORN: No, starting after the word "orientation".

CHAIRPERSON FREEMAN: Oh, we've changed it again.

DELEGATE CORN: No, in other words, instead of "poverty" you would have -- to that specific thing you'd have "income or lack thereof".

CHAIRPERSON FREEMAN: Thank you. Is there a second to this?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: Okay. It's been moved and seconded that we add -- I don't have the full list -- I would like to get it -- between the words "orientation" and "poverty" -- oh, you delete the word "poverty", is that correct, Delegate Corn?

DELEGATE CORN: Right. You start with "Orientation" and go to the end of the line.

Would you like me to read it again?

CHAIRPERSON FREEMAN: No. I will read it. I will read it quickly.

DELEGATE CORN: "Income or lack thereof" --

CHAIRPERSON FREEMAN: Excuse me, Delegate Corn, I have the floor right now.

..."marital status, parentage, age, family responsibilities, political affiliation, physical handicap, income or lack thereof, place of residence or business, appearance, or other individual characteristics."

Is there discussion on this motion?

DELEGATE CORN: And "parentage".

CHAIRPERSON FREEMAN: And "parentage".

Is there a discussion on this motion?

Is there a discussion --

A DELEGATE: I want to move the previous question

DELEGATE CORN: May I speak to my own amendment?

CHAIRPERSON FREEMAN: Yes, you may speak.

DELEGATE CORN: The reason I'm giving you this full list, -- may I have?

CHAIRPERSON FREEMAN: Yes. Could we have quiet in this room?

Delegate Corn has the floor.

Delegate Corn.

DELEGATE CORN: I need to have quiet.

CHAIRPERSON FREEMAN: Delegates! It's 11:45. Delegate Corn has the floor. Let's not wait too long for her to be --

DELEGATE CORN: The reason I add this entire list is this list comes from the Human Rights Act of 1977. This is all-inclusive. Many people have been discriminated upon the basis of where they work, where they live, family responsibilities, marital situation, political affiliation,

matriculation, parentage, appearance, other individual characteristics.

And I think that this whole list should be voted in.

Since we took out the phrase "factors such as" and decided that instead of making it a broad generalization we would spell out everything, and spell it out, include everything that's in our current law, I think it's really important that you don't allow someone who is in a wheelchair or someone who belongs to a certain political party, even someone who belongs to a party that I may strongly and vehemently oppose, that doesn't give anybody the right to discriminate against that person, or that person to feel that discrimination.

And I strongly urge you to vote in this list, which is the law in the District of Columbia right now, so there's nothing that radical in it or different. Please vote the law up.

CHAIRPERSON FREEMAN: Thank you.

It has been moved and seconded that we close debate on the Corn amendment. All those in favor of closing debate, please say "aye".

[Chorus of "ayes'.]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Okay. The Corn amendment, is everybody familiar with the list to be inserted?

Okay. All those in favor of the Corn amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Chorus of "nays".]

CHAIRPERSON FREEMAN: I have to call for a division.

All those in favor please raise your hands.

[Showing of hands.]

SECRETARY COOPER: Fifteen.

CHAIRPERSON FREEMAN: All those opposed to the Corn amendment, please raise your hands.

[Showing of hands.]

SECRETARY COOPER: Sixteen.

CHAIRPERSON FREEMAN: Abstentions?

[Showing of hands.]

SECRETARY COOPER: Three.

CHAIRPERSON FREEMAN: The Corn amendment is defeated.

DELEGATE CORN: Ma'am, could I ask for a recount on that? That's awfully close.

CHAIRPERSON FREEMAN: No. There was silence in the room, and there was --

DELEGATE CORN: Roll call! Roll call!

No, it is not dilatory. It is not dilatory. This afternoon --

CHAIRPERSON FREEMAN: Delegate Corn, I heard your request. Are there four other people who would like to have a roll call vote on this?

No, there aren't. There will be no roll call on that vote.

We are on line 5. I have another amendment here from Delegate Garner. This is to change the words "out of wedlock birth" to "parentage".

Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: Excuse me, I'm going to call on Delegate Garner to do that, that wasn't proper.

Delegate Garner, would you like to make your amendment?

DELEGATE GARNER: I would allow my amendment to be the property of the committee, since it's just technical wording, and whatever they care to do.

CHAIRPERSON FREEMAN: All your amendments, Delegate

Garner?

DELEGATE GARNER: Those two, problems and parentage

CHAIRPERSON FREEMAN: I have three here from you.

DELEGATE GARNER: There's another one on line 7,
also on line 5.

CHAIRPERSON FREEMAN: Are you allowing these to
be the property of the committee, all three?

Delegate Garner, I'm asking you a question. I'm
very confused. Do you want me to give these amendments to
the committee?

DELEGATE GARNER: If the people accept them, that's
fine, if they don't accept them, that's fine, too.

CHAIRPERSON FREEMAN: Delegate Harris.

DELEGATE HARRIS: I would like Delegate Garner
to explain to me how parentage is the same as "out of wedlock".

CHAIRPERSON FREEMAN: It's not clear, Delegate
Harris, this is on the floor. I was moving it, and that was
totally improper. And now this has been given to the
committee.

DELEGATE GARNER: I will move "parentage", I under-
stand that the committee thinks this is appropriate.

It's an attempt to use a generic term, and it was
said that to use "out of wedlock birth" was not appropriate

and serious. You need to say something generic. I believe the word "parentage" is the appropriate generic term.

CHAIRPERSON FREEMAN: Does the committee second this?

DELEGATE JACKSON: The committee agrees to the amendment, and will second.

CHAIRPERSON FREEMAN: Okay. Delegate Garner has moved, as I understand it, to substitute for the words in line 5 "out of wedlock birth" and to replace them with the word "aprentage".

Is there further discussion on that? The committee has accepted the Garner amendment.

May we vote on that?

We don't need to vote? I think we do need to vote on that.

I am going to call for a vote on that, though. All those who are in favor of the Garner amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Abstentions?

The word "parentage" is now substituted for the

words "out of wedlock birth".

Are there further amendments to line 5 or further discussion on line 5?

May we move on to line 6?

A DELEGATE: What about the Corn amendment?

CHAIRPERSON FREEMAN: That was defeated.

Is there discussion or amendments for line 6?

Line 7. Are there -- I have been asking for -- I've given the three amendments from Garner that dealt with wealth and appearance and all sorts of things were given to the committee, and he instructed the committee to move them if they so chose.

We are now on line 7. Delegate Garner?

DELEGATE GARNER: Madam Chair, I believe it would be appropriate and consistent to delete the words "against women and racial and national minorities" from line 7. I believe it is the intent of the committee to --

CHAIRPERSON FREEMAN: Are you offering that as an amendment?

DELEGATE GARNER: That is a motion, Madam Chair.

CHAIRPERSON FREEMAN: Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded

that on line 7 we delete the words "against women and racial and national minorities". Delegate Garner.

DELEGATE GARNER: The intent of the section on lines 6 and 7 is to authorize affirmative action. If we retain the words that I have moved we delete, affirmative action is only authorized for women, racial and national minorities. It is not authorized for sexual orientation, creed, national origin, and the long list we have provided.

DELEGATE JACKSON: That was the intention.

DELEGATE GARNER: If we want affirmative action, if we in fact want to redress, ask discrimination, we should not limit it to three categories.

CHAIRPERSON FREEMAN: Does the committee have a response to this?

DELEGATE JACKSON: Yes, Madam Chair, we do have a response.

We wrote that provision for affirmative action, which is a measure used to compensate minorities and women for past and present discriminations.

DELEGATE GARNER: And the poor, too.

DELEGATE JACKSON: No, not the poor, not the poor. The poor -- if they are poor and black -- excuse me --

CHAIRPERSON FREEMAN: Please, Delegate Jackson

has the floor.

DELEGATE JACKSON: Thank you.

DELEGATE GARNER: It just surprises me that a member
of the Communist Party --

CHAIRPERSON FREEMAN: Delegate Garner, you are out
of order right now.

DELEGATE JACKSON: I said poor people, blacks
in jail, Mr. Garner, are adequately covered.

DELEGATE GARNER: But poor whites are not.

CHAIRPERSON FREEMAN: Delegate Garner --

DELEGATE JACKSON: You know good and well they're
not, Mr. Garner. And you know good and well what the
intention is on that, too.

A DELEGATE: Point of order, Madam Chair. We
have conversation going on between two Delegates who are not
addressing the Chair.

DELEGATE JACKSON: Madam Chair, he --

CHAIRPERSON FREEMAN: I called on Delegate
Jackson to please address the Garner amendment.

DELEGATE JACKSON: Madam Chair, affirmative action
is quite well spelled out in the D.C. It's also spelled out
mainly by the U. S. Civil Rights Commission. Affirmative
action is used for the sole purpose of compensating racial

and national minorities and women for past or present discrimination.

That is the correct definition. That is what we want to go along with.

Thank you.

CHAIRPERSON FREEMAN: Delegate Shelton.

DELEGATE SHELTON: I would like to totally disassociate myself from the comments and remarks of the Delegate. It is not anything of significance, this deliberation on this section, to just confuse the Delegate's comments.

[Following other discussion it was moved and seconded that certain remarks relating to party affiliation were to be stricken from the record.]

[Chairperson Freeman instructed the reporter to do so, and certain remarks were omitted from the transcription at this point.]

CHAIRPERSON FREEMAN: Delegate Robinson.

DELEGATE ROBINSON: I stand to speak against the amendment as offered by Delegate Garner. The amendment will only gut the affirmative action measures as written herein.

I would also caution my fellow Delegates that time is of the essence. We are expected to be here at ten o'clock in the morning. Please let us move forward.

CHAIRPERSON FREEMAN: Is there further discussion on the Garner amendment?

A DELEGATE: Move the previous question.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded to close debate on the Garner amendment. All those in favor please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Chorus of "nays".]

CHAIRPERSON FREEMAN: I need to call that again.

All those in favor of closing debate on the Garner amendment, please say "ayes".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: Thank you.

All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Now there's nobody opposed.

We are now voting on the Garner amendment, on line 7 to delete the words "against women and racial and national minorities". All those in favor of that, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Chorus of "nays".]

CHAIRPERSON FREEMAN: Abstentions?

The amendment is defeated.

Are there further amendments or discussion for
line 7?

Delegate Mason.

DELEGATE C. MASON: I move the adoption of sub-
section A.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded
that we adopted subsection A. Is there discussion?

Is there discussion on that?

All right.

All those in favor of adopting subsection A,
please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Abstentions?

Subsection A is adopted.

We're now on Subsection B, line 8.

Delegate Mason, would you move for the adoption
of Subsection B?

DELEGATE C. MASON: I move the adoption of Subsection B.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we adopt subsection B.

We will continue with our line-by-line treatment of this. Is there a discussion or amendment for line 8?

There's nothing then for line 8.

Delegate Oulahan?

DELEGATE OULAHAN: I discussed this with Delegate Barnes, and told him I would second his motion. So, in lieu of -- in his absence, I would move that the language in line 9 beginning with --

CHAIRPERSON FREEMAN: We're on line 8.

Is there anything on line 8?

Delegate Clarke?

DELEGATE CLARKE: How do you ask a question about the concept of it, if you have to do it on line-by-line?

CHAIRPERSON FREEMAN: This is a procedure the convention decided to adopt. It probably is more appropriate to section A.

Okay, Delegate Oulahan?

Could we have order in the room, please?

DELEGATE OULAHAN: On line 9 after "members" delete the words "and the right to receive services necessary for full community participation provided in the (?) and independence."

CHAIRPERSON FREEMAN: Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we strike the rest of subsection B after the word "members" on line 9. Is there discussion?

Delegate Oulahan.

Could we have quiet in the room please? There's a great deal of movement.

DELEGATE OULAHAN: Neither Mr. Barnes nor I know what this section means. It could be an open-end drain on community resources. It could mean anything. And therefore we don't believe it is responsible for this convention to adopt such provision at this time.

CHAIRPERSON FREEMAN: Would the committee like to respond to that?

DELEGATE MARCUS: Yes it would, but we'd like to refrain for a minute to hear some of the rest of the discussion.

CHAIRPERSON FREEMAN: Thank you.

Delegate Clarke?

DELEGATE CLARK: Madam Chair, I --

CHAIRPERSON FREEMAN: Excuse me. Can we cut out this rather chaotic disturbance? Delegates, we have agreed to stay until we finish. And we certainly have three or four hours in which to do some work. We're going to waste our time unless people pay attention to what's on the floor.

Delegate Clarke.

DELEGATE CLARKE: I have a question. Would the right to receive the services necessary for full community participation provide that it's the responsibility of the State to provide the prosthetic devices to the individuals?

CHAIRPERSON FREEMAN: Would the committee like to respond?

DELEGATE JACKSON: Yes.

Madam Chair, may he ask all his questions at one time, and we answer them all at one time?

DELEGATE CLARKE: Point of order.

CHAIRPERSON FREEMAN: Yes?

DELEGATE JACKSON: Ever since last night he's been trying to play lawyer and whatnot, and we don't need that here, that interrogation.

Now, I propose that all the questions be asked at

one time, and the Delegate can answer them at one time.

CHAIRPERSON FREEMAN: That's right, when the delegate has the floor, the delegate can ask the questions the delegate has.

Do you have any further questions for this?

Of course, the ones --

DELEGATE CLARKE: Madam Chair, three times it's been indicated in the last few days that my profession is that of a lawyer. Well, whether you like it or not, that's it. I bring what I bring to this convention.

I am already involved.

CHAIRPERSON FREEMAN: Do you have a question?

DELEGATE CLARKE: I have a question. My question was whether or not the language, the "right to receive the services necessary for full community participation" provides that the State has to provide such things as prosthetic devices?

DELEGATE MARCUS: Mr. Clarke, the committee meant, in this particular language, by "full community participation" the concept which is now well accepted and in fact is provided for under 1978 Disabilities Act, which is federal language; that in fact people be provided with those things necessary to participate as fully in the community as possible.

If, in fact, that means that the community must provide, the State must provide prosthetic devices for handicapped or disabled persons to participate --

CHAIRPERSON FREEMAN: Excuse me, Delegate Marcus.

Could I have it quite in this room?

Let's not waste our time.

Delegate Marcus.

DELEGATE MARCUS: If, in fact, that means the State must provide prosthetic devisions for the disabled to participate fully in the community, then, yes, that's what it means.

DELEGATE CLARKE: Does it operate in terms of income?

DELEGATE MARCUS: Mr. Clarke, the committee chose this particular language because we understood, by looking at income versus output figures, that in fact if disabled persons are provided with appropriate services such as prosthetic devices to go to work, that they will in fact return to the State far greater taxable dollars than they will spend in providing those particular services. And, in fact, when we discussed the Bill of Rights, Mr. Clarke, I might add that the question of income and the question of expense to the States --

CHAIRPERSON FREEMAN: Delegates -- excuse me, Delegate Marcus, one more time.

I don't want to have to keep calling for order. It's a waste of all of our time. But all the Delegates who are standing in the back of the room, will you please be quiet? Delegate Kameny, Delegate Corn, Delegate Harris, Delegate Thomas.

We have an amendment on the floor.

Delegate Marcus.

DELEGATE MARCUS: The issue to the committee was whether or not disabled persons would be able to participate in the community as a whole.

It is felt that persons with disability should be provided with certain services, in those things that they need to participate in the community.

If you're talking about the State's income --

DELEGATE CLARKE: No, no, the individual's income.

DELEGATE MARCUS: All right. If you're talking about the individual's income, then it's highly unlikely that they would need the services of the State to provide those particular things.

In fact, the 1978 Act, which at least operationalizes this on the federal level, allows for some provision of ser-

vices which are unusual by the -- by the federal government in that particular instance.

DELEGATE CLARKE: I am not seeking to argue with the committee, but I do feel, Madam Chairman, that if we begin to write into this constitution language with this breadth, whereby it seems from the face of the language that a well-to-do person could procure from the State, on the basis of disability -- and we all have some disability -- whatever they needed for full community participation, that there could be the raid on the public treasury that my colleague Mr. Oulahan speaks of.

I would suggest -- I will vote for his amendment; in so doing I subscribe to all the provisions of the 1978 legislation which has been referred to, but with respect that it is the purpose of the legislation and not the constitution to provide that.

CHAIRPERSON FREEMAN: Does the committee want to respond to the Oulahan amendment now or at the end of debate?

DELEGATE MARCUS: We would like it to show in the record that the intention of this language is not to provide a free-for-all for well-to-do persons because they happen to have a disability.

What we would like the record to show is that this language intends to provide for services which are difficult to come by for the disabled in order to participate in the community itself.

I would argue, and I think the committee would argue, that Mr. Oulahan and, by association, Mr. Clarke who raises a stray horse -- and in fact that is the position which has been dealt with.

CHAIRPERSON FREEMAN: Thank you.

May I have order, please, on the floor, before we continue this debate?

Delegate Corn, Delegate Jordan, Delegate Eichhorn.
You have the floor.

DELEGATE EICHORN: I would like to propose a substitute amendment, which I think addresses the concerns of Delegates Oulahan and Clarke, and also preserve the intent of this language in what I also believe to be a more appropriate way.

I would like to add, where Delegate Oulahan has deleted, the following language:

"... and the right to services as defined by law, provided in the way that promotes dignity, independence and full community participation."

And I'd like to repeat that.

CHAIRPERSON FREEMAN: Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: Could you bring up the language to the front, please? And you may speak to it now.

DELEGATE EICHORN: The District of Columbia is fortunate to have legislation today which addresses many of these issues. It's not fully adequate, because we are far ahead in other areas.

I believe that this language is so broad that the interpretation is unknown. And in my particular employment situation, I work with mentally disturbed persons in the community.

Delegate Marcus, in his remarks, has used the word "appropriate" several times. He said it's not here and it's very difficult to define "appropriate". I think the legislation will have to address mechanisms for that.

With regard to the population I serve, that's now addressed to an individual's rehabilitation plan developed by professionals, and taken before a hearing examiner with participation by court-appointed attorneys, and ask --

CHAIRPERSON FREEMAN: Excuse me, Delegate Eichhorn. I can't hear, and I'm sure a lot of the delegates cannot.

Continue, now that it's quiet.

DELEGATE EICHHORN: I think that is the appropriate way the Delegate Marcus is referring to.

But that this is not necessarily tied into that kind of nexus, and ~~that~~ through legislation that could be addressed more appropriately.

With definitions in terms of the questions that we raise.

CHAIRPERSON FREEMAN: What we have on the floor is the Eichhorn amendment. Would the committee like to respond to the Eichhorn amendment?

All right.

DELEGATE MARCUS: It's unfortunate that Delegate Eichhorn feels that the State Legislature is somehow more able to define the needs of disabled persons who are experiencing a special life experience which I hope none of us in this room ever have to experience; better than those persons who have experienced those disabilities themselves.

And that once again, because we somehow feel that person who have disabilities are going to use those disabilities, or persons who are disadvantaged in this society are going to use those disadvantages to raid the public moneys and the public treasurers, that they are denied the

ability to define what in fact is good for them, turned over to a group which essentially reflects a majority of a population, which in fact does perpetrate certain forms of repression on them.

CHAIRPERSON FREEMAN: Is there further discussion on the Eichhorn amendment?

DELEGATE ROBINSON: I move the previous question.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we close debate on the Eichhorn amendment. All those in favor of closing debate, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Well, debate is now closed. Could the Secretary please read the Eichhorn amendment? The Chair does not have a copy of it.

Could we have quiet in this room, please?

SECRETARY COOPER: The Eichhorn amendment would add, at the end of the Oulahan amendment, the following language: "and the right to services as defined by law in a way that promotes" -- "provided in a way that promotes dignity and independence and full community participation."

CHAIRPERSON FREEMAN: All those in favor of the Eichhorn amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Several "nays".]

CHAIRPERSON FREEMAN: Abstentions?

The Eichhorn amendment passes.

Are there further amendments to Section B?

Discussion on subsection B?

Yes, Delegate Nahikian and then Delegate Robinson.

DELEGATE NAHIKIAN: Madam Chair, I call the question.

CHAIRPERSON FREEMAN: You call the question --

DELEGATE ROBINSON: Second.

CHAIRPERSON FREEMAN: Delegate Robinson, did you have a question or did you want to call the question?

May I have order in this room, please?

Delegate Robinson, I called on you both at the same time, and I was confused when I called on Delegate Nahikian.

DELEGATE ROBINSON: Madam President, I have a question as to how section B now reads. With the passing of the amendment by Delegate Eichhorn. Her amendment has just

adopted by this body. I'd like to know how section B now reads.

CHAIRPERSON FREEMAN: Okay, I am going to turn the mike over to the Secretary then, because I don't have copies of the language.

6B

SECRETARY COOPER: The language as adopted would read: Section B. Persons with disabilities have the right to be treated as equal community members and the right to services as defined by law provided in a way that promotes dignity and independence and full community participation.

CHAIRPERSON FREEMAN: Thank you.

May we vote on subsection B?

All those in favor of adopting subsection B as amended, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[Several "nays".]

CHAIR PERSON FREEMAN: Abstentions?

Subsection B is adopted.

Delegate Mason.

DELEGATE C. MASON: I move subsection C.

CHAIRPERSON FREEMAN: Is there a second to that?

A DELEGATE: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we adopt Subsection C. Is there discussion?

Are there amendments on this?

Delegate Eichhorn?

DELEGATE EICHHORN: Yes. I would like to raise the same thing here and I don't have any substantive language, but my concern is the right to services without defining them. What does that mean? Does that mean that we report someone who demands what?

And I wonder if that should not also be acted on by law.

CHAIRPERSON FREEMAN: Would the committee like to respond to Delegate Eichhorn's questions?

Delegate Marcus.

DELEGATE MARCUS: It really is an interesting experience sitting here in a room of able-bodied, mobile, basically young people, looking at -- except for a few exceptions -- looking at the kinds of things that society is capable of providing for those people who in fact make up a functional minority. And then deciding that those representatives, the able-bodied, basically young, young in comparison, society, are going to decide what it is that's

necessary to conduct the lives of those people who are in fact not able-bodied, not young, or not too old either.

CHAIRPERSON FREEMAN: Delegate Marcus, would you answer the question of Delegate Eichhorn?

DELEGATE MARCUS: I'm responding -- I'm responding.

CHAIRPERSON FREEMAN: May I have order in this room?

Delegate Eichhorn asked a question of the committee and Delegate Marcus is responding.

Would you please respond to the question?

DELEGATE MARCUS: Thank you.

My response has been given.

Thank you.

CHAIRPERSON FREEMAN: Thank you.

Delegate Jones?

DELEGATE EICHHORN: I would like to add --

CHAIRPERSON FREEMAN: Oh, I'm sorry. Delegate Eichhorn.

DELEGATE EICHHORN: -- after "services" "as provided by law".

DELEGATE JONES: Second.

CHAIRPERSON FREEMAN: It's been moved and seconded that we add words after "services", "as provided by law".

Is there discussion?

DELEGATE EICHHORN: I would like to speak to that.

CHAIRPERSON FREEMAN: Delegate Eichhorn.

DELEGATE EICHHORN: I am disturbed at Delegate Marcus's suggestion that I do not have compassion for the unfortunate, disabled, elderly and useful citizens of the District of Columbia.

I think that's offensive and unfair.

What I'm concerned about, because it happened in my present work situation, is that this would allow some individuals to sue for credible services, because they are not defined. While others are not served. And I think there's a need for the Legislature or somebody if we don't do it here, to address the population group, the research available, and develop a system for equitable, fair, sufficient distribution of services.

That's why I suggest adding "as provided by law". How do you determine priorities in eligibility is not addressed in here at all. One person going to court is only addressed as one person going to court, without any thought for other persons.

CHAIRPERSON FREEMAN: Delegate Shelton?

DELEGATE SHELTON: I understand our dilemma here, and I wonder whether you can help us a little further here.

Because "as defined by law" means that a lot of people will not be able to be independent in terms of their living. For example, the law does not require readers for blind employees. And so I wonder whether or not there is something a little bit more; can we say "dependent upon the resources of the government" or something?

Because "as defined by law" is a very, very narrow concept and sort of defeats the concept of independence.

CHAIRPERSON FREEMAN: Delegate Eichhorn?

DELEGATE EICHORN: I would like some legal help with this, but I wonder if we couldn't add some language requiring the Legislature to develop legislation to express the provision in the entire Bill of Rights or whatever.

I'm assuming that if we say they have a right to these services, that the Legislature has to address these issues.

CHAIRPERSON FREEMAN: Mr. Thomas.

MR. THOMAS: They seem to cover it in paragraph (e) where it says the section shall be self-executing; and of course by appropriate legislation. So I guess one of those would be appropriate legislation to cover that.

CHAIRPERSON FREEMAN: Delegate Simmons.

DELEGATE SIMMONS: Isn't it appropriate to assume

that the Legislature would not engage in activities, and that bankrupt the State -- I mean, don't they have responsibility for a balanced budget or anti-deficiency? I thought that was exactly what you were seeking, when you put "as provided by law", so that that can be effectuated.

CHAIRPERSON FREEMAN: Is there further discussion?

DELEGATE ROBINSON: Move the previous question.

A DELEGATE: Second.

CHAIRPERSON FREEMAN: Okay, it's been moved and seconded that we close debate on the Eichhorn amendment. All those in favor, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?

[No response.]

CHAIRPERSON FREEMAN: Debate is closed on the Eichhorn amendment.

The Eichhorn amendment would insert on line 13 in subsection (c), after the word "services" the words "as provided by law".

All those in favor of the Eichhorn amendment, please say "aye".

[Chorus of "ayes".]

CHAIRPERSON FREEMAN: All those opposed?